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fied the subsequent admission of the evidence out of its proper order. In *Wood v. State* (11 Okl. Cr. 176, 144 Pac. 391), and in *People v. Harper* (145 Mich. 402 108 N. W. 689), the State's attorney intentionally kept back a material witness, and it was held error to allow him to be called and to testify to matters in chief after the defense had rested. In *Meakim v. Anderson* (11 Barb. N. Y. 215), and in *Charles v. State* (58 Fla. 17, 50 South. 419), refusals to reopen were upheld.

It thus appears that the discretion has been upheld when exercised solely to promote the ends of justice, on condition that the party in whose favor it is invoked has been fair and diligent in trying his cause in the regular way."

Intoxicating Liquor for Personal Use.—The control of the traffic in intoxicating liquors is simple enough, once a majority vote for the prohibitory law is secured. However, the thoroughgoing prohibitionist is not satisfied with that result, but would lay the heavy hand of law on the man who wishes to import an occasional drink for himself. Up to date success in that direction has not been conspicuous. It was thought that the Webb-Kenyon Law would solve the difficulty. But that act was promptly construed as inapplicable to a shipment of liquors for personal use into a state where possession for such use was not forbidden by law (*Adams Express Co. v. Kentucky*, 238 U. S. 190, Ann. Cas. 1915D, 1167). Under the decision cited and those following it, only a direct prohibition by state law of the drinking of intoxicants will bring a shipment designed for personal use within the scope of the Webb-Kenyon Law, and that prohibition is, by the great weight of authority, beyond the legislative power. (*Com. v. Campbell*, 133 Ky. 50, 19 Ann. Cas. 159 and note; *Cortland v. Larson*, 273 Ill. 602; compare *In re Crane*, 27 Idaho 671.) In the Kentucky case cited supra, it was said: "The right to use liquor for one's own comfort, if the use is without direct injury to the public, is one of the citizen's natural and inalienable rights, guaranteed to him by the constitution, and cannot be abridged as long as the absolute power of a majority is limited by our present constitution. The theory of our government is to allow the largest liberty to the individual commensurate with the public safety, or as it has been otherwise expressed, that government is best which governs the least. Under our institutions there is no room for that inquisitorial and protective spirit which seeks to regulate the conduct of men in matters in themselves indifferent, and to make them conform to a standard not of their own choosing, but the choosing of the lawgiver; that inquisitorial and protective spirit which seeks to prescribe what a man shall eat and wear, or drink, or think, thus crushing out individuality and insuring Chinese inertia by the enforcement of the use of the Chinese shoe in the matter of the private conduct of mankind."—Law Notes.